

16138 U.S. PTO
011304

PATENT
19270 U.S. PTO
10/756178
011304

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of)	Examiner: Not yet assigned
Burbank et al.)	
)	Group Art Unit: Not yet assigned
For: TISSUE SPECIMEN ISOLATING AND)	
DAMAGING DEVICE AND METHOD)	
Serial No.: Not yet assigned)	
Filed: Concurrently)	
Atty. Docket. No.: R0367-00702)	

REQUEST FOR FILING A
CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)

Express Mail Label No.: ER 203893245 US
Mailed in San Francisco, CA on *January 13, 2004*

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a continuation application under 37 C.F.R. § 1.53(b), of co-pending prior application Serial No. 09/884,349, filed June 18, 2001. Application Serial No. 09/884,349 is a continuation of application Serial No. 09/238,965, filed January 27, 1999 and a continuation-in-part of application Serial No. 09/159,467, filed September 23, 1998, now U.S. Patent No. 6,261,241, which is a continuation-in-part of application Serial No. 09/057,303, filed April 8, 1998, now U.S. Patent No. 6,331,166. Application Serial No. 09/884,349 is also a continuation-in-part of prior application Serial No. 09/146,185, filed September 1, 1998, which is a continuation-in-part of Serial No. 09/057,303, filed April 8, 1998, now U.S. pat. No. 6,331,166. Application Serial No. 09/884,349 is also a continuation-in-part of application Serial No. 09/208,535, filed December 9, 1998, which is a continuation-in-part of Serial No. 09/057,303, filed April 8, 1998. All of the above applications are incorporated herein in their entirety.

1. Enclosed is a true copy of the prior complete application as filed, including the specification (including claims), drawings, oath or declaration showing the

signature or an indication it was signed, and any amendments referred to in the oath or declaration filed to complete the prior application.

2. This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120, the inventor(s) in this application is (are):

☒ the same as those named in the prior application.

☐ less than those named in the prior application and it is requested that the following inventors identified above for the prior application be deleted:

3. ☒ The filing fees are to be calculated on the claims as filed in the prior application and the claims remaining as a result of the:

☐ amendment below;

☐ attached Preliminary Amendment.

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Filing Fee	2001				\$385
Independent Claims	2201	2 - 3=	0 x	\$43=	\$0
Total Claims	2202	18 -20=	0 x	\$ 9=	\$0

Total Fees Due\$385.

4. Payment of Filing Fees:

☒ Applicants request to defer payment

☐ The Commissioner is authorized to charge any fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 and §1.17, to Deposit Account No. 04-1679, referencing Attorney Docket No. R0367-00702.

5. The prior application is assigned of record to: **SenoRx, Inc.**

6. The power of attorney in the prior application is to: **Edward J. Lynch.**

☐ The power appears in the original papers in the prior application.

/X/ Power of Attorney and Revocation of Prior Powers as filed in prior application.

7. Please address all future correspondence to:

**Edward J. Lynch
DUANE MORRIS LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105**

8. Documents enclosed:

/X/ Copy of prior complete application as filed including the specification (12 pages), claims (3 pages), and abstract (1 page), signed Declaration and Power of Attorney (2 page total), and informal drawings (3 sheets);

/X/ Submission Of Formal Drawings;

/X/ Six (6) sheets of formal drawings as filed in prior copending application;

/X/ Copy of Power of Attorney and Revocation of Prior Powers as filed in prior application;

/X/ Copy of Assignment document recorded at reel/frame 9736/0721

/X/ Change Of Correspondence Address; and

/X/ Return receipt postcard.

Respectfully submitted,

By: 

Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

**DUANE MORRIS LLP
One Market
Spear Tower, Suite 2000
San Francisco, CA 94105
Telephone: (415) 371-2200
Facsimile: (415) 371-2201
Direct Dial: (415) 371-2267**

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Burbank et al.)	
)	Group Art Unit: Not yet Assigned
For: TISSUE SPECIMEN ISOLATING AND)	
DAMAGING DEVICE AND METHOD)	
Serial No.: Not yet assigned)	<u>CHANGE OF</u>
)	<u>CORRESPONDENCE ADDRESS</u>
Filed: Concurrently)	
)	
Atty. Docket No.: R0367-00702)	

EXPRESS MAIL LABEL NO.: ER 202893245 US

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Alexandria, VA 22313-1450

Dear Sir:

Please address future correspondence for this application as follow:

Edward J. Lynch
DUANE MORRIS LLP
One Market
Spear Tower, Ste. 2000
San Francisco, CA 94105
Direct Dial: (415) 371-2267

Respectfully submitted,

By: 

Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

For: **TISSUE SPECIMEN ISOLATING AND
DAMAGING DEVICE AND METHOD**

Serial No.: Not yet assigned

Filed: Concurrently

Atty. Docket No.: R0367-00702

) Examiner: Not yet assigned

) Group Art Unit: Not yet assigned

) **SUBMISSION OF**
) **FORMAL DRAWINGS**
)
)
)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed herewith are six (6) sheets of formal drawings, as filed in the copending prior U.S. application Serial No. 09/884,349 for submission in the above-identified application.

Respectfully submitted,

By: 

Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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